

App. No. 09/890055
Office Action Dated November 16, 2004
Amd. Dated February 16, 2005

REMARKS

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claims 8-13 are hereby amended editorially. Claims 14-15 are withdrawn. No new matter has been added. Claims 8-13 are pending.

The Examiner has requested restriction of examination to one of two groups. Group I comprises claims 8-13 apparently drawn to a heatable mixer in combination with other parts. Group II comprises claims 14-15 drawn to a method of treating flour.

Applicants respectfully elect Group I with traverse. Group I comprises claims 8-13 apparently drawn to a heatable mixer in combination with other parts.

The basis for Applicants traversal is that the Examiner has not explained why examination of more than one group would be overly burdensome and that Applicants do not wish to be bound by the Examiner's logic in requesting restriction of examination. Favorable consideration of all claims is earnestly solicited.

Claim rejections - 35 U.S.C. § 112

Claims 8-13 are rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claims 8-13 have been amended. Withdrawal and reconsideration is respectfully requested.

Claim rejections - 35 U.S.C. § 102

Claims 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wayne (US 3,519,431). Applicants respectfully traverse the rejection.

Claim 8 is directed to a device for a thermal treatment of flour for hygienic purposes. The device having a heatable mixer, drying and cooling equipment, filters and discharge equipment. The heatable mixer is a batch mixer which is connected to a dryer/cooler. The

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dryer/cooler is connected by a valve system to a second batch mixer which has devices for adding additives.

The Examiner asserts Wayne teaches a heatable mixer (including A and optionally D and E), drying and cooling equipment, filters (G) and discharge equipment (for example 47, 47a), wherein the heatable mixer is connected to a dryer/cooler (L) and the dryer/cooler is connected by a valve system (43) to a second batch mixer (M) which has devices for adding additives (Fig. 1). Applicants respectfully disagree with the Examiner for the following reasons.

Wayne teaches a process including milling, which is applied to the cereal grains, such as wheat, maize or corn, rye and the sorghum grains. The process comprises the softening and partial to almost complete removal of the bran coat in a substantially non-aqueous medium consisting of recycled, oil containing miscella. It further relates to the procedure of sequentially separating, further extracting, desolventizing and recovering the unbroken or mixture of unbroken and larger broken milled kernel which may (a) be screened, stored and/or packaged for disposition without grinding; or (b) the grinding and classifying of the milled kernels, broken and/or unbroken, in the production of meals and flours, e.g., corn meal, corn flour and the various grades of wheat and rye flour. (col. 6., ll. 29-45)

With regard to Figure 1, Wayne teaches thoroughly cleaned, washed and dried wheat, rye, corn (maize) or sorghum grain are transported to the clean grain silos (2) (col. 6, ll. 46-50). The grain is recovered from the clean grain silo (2) and moved to the mixing apparatus A while the grain is being mixed with the bran-coat softening agent (col. 6, ll. 57-63). The treated grain is discharged from mixing apparatus A into the holding tank D where it remains until the brain-coat softening agent has sufficiently penetrated and softened the outer bran coat (col. 7, ll. 13-17). The treated grain from holding tank D is delivered to milling machine E (col. 7, ll. 18-20).

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Extractive milling machine E comprises a feeder section E-1, a wet milling section E-2 and a washing section E-3, where the whole and/or broken milled kernels received from the wet milling section are washed with dilute miscella (col. 7, ll. 23-27). The solvent rinsed, milled grain is discharged to vibratory or reel-type screen J for further washing with solvent to final processing as predominantly whole grains and large fragments (col. 13, ll. 20-22). The solvent-wet grain is discharged from J to desolventizer L (col. 13, 25-26). The solvent-wet grain moves from L to a second stage desolventizing and deodorizing drum M where the remaining traces of solvent are removed (col. 13, ll. 30-32). The desolventized grain is then discharged into hopper 45, and is then discharged from hopper 45 and is directed to the pulverizer and classifier system N (col. 13, ll. 43-47). The product is then sent to screening, storage and packaging or to further processing. Thus, Wayne teaches flour is processed from grain. Wayne is silent as to what further processing takes place after the grains have been pulverized to produce flour. Thus Wayne fails teach or suggest a device for a thermal treatment of flour for hygienic purposes.

As presented above the main purpose of mixer A is to bran/shell softening, being a preaction for milling or hulling. Therefore the grains are mixed with an agent, which is maintained in the final product. D is a holding bin for uniform moistening of the shells/bran and E is the subsequent step following milling machine, comprising wet milling E2 and a washing section, which is completely different from the claimed invention. Furthermore, E is followed by several conveying elements, chute 41 and screen J in which the product is segregated into different fractions. L is a desolventizer which is not similar to cooling/drying equipment and M is a deoderizer which is not the same as a second batch mixer. Furthermore, deoderization step of M is not the same as adding additives, as discussed above it is a step where remaining solvent is removed, not added. Thus, Wayne fails to teach or suggest a device for a thermal treatment of

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flour for hygienic purposes having a heatable mixer, drying and cooling equipment, filters and discharge equipment, where the heatable mixer is a batch mixer and is connected to a dryer/cooler and the dryer/cooler is connected by a valve system to a second batch mixer which has devices for adding additives. Wayne fails to anticipate claim 8. Withdrawal of the rejection is respectfully requested.

Claims 9-13 depend either directly or indirectly from claim 8. For the reasons discussed above for claim 8, withdrawal of the rejection is respectfully requested.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the attorney-of-record, John J. Gresens, Reg. No. 33,112, at (612)371.5265.

Respectfully submitted,

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~~September 20, 2004~~

JJG:mmm

By 

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